

PCT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

Date of mailing (day/month/year)

08 March 1999 (08.03.99)

To:  
United States Patent and Trademark  
Office  
(Box PCT)  
Crystal Plaza 2  
Washington, DC 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

International application No.

PCT/NZ98/00094

Applicant's or agent's file reference

14572/3X015

International filing date (day/month/year)

03 July 1998 (03.07.98)

Priority date (day/month/year)

07 July 1997 (07.07.97)

Applicant

WARD, Simon, Robert et al

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

02 February 1999 (02.02.99)

in a notice effecting later election filed with the International Bureau on:

2. The election  was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Lazar Joseph Panakal

Facsimile No.: (41-22) 740.14.35

Telephone No.: (41-22) 338.83.38

**PATENT COOPERATION TREATY**

From the INTERNATIONAL SEARCHING AUTHORITY

To:	Wells Wilson Sims James Allen 29 Clarence Street P.O. Box 759 Hamilton 2001 NEW ZEALAND
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**PCT**

**NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION**

(PCT Rule 44.1)

Date of mailing  
(day/month/year)

*14. 12. 98*

Applicant's or agent's file reference <b>14572/3X015</b>	<b>FOR FURTHER ACTION</b>	See paragraphs 1 and 4 below
International application No. <b>PCT/NZ 98/00094</b>	International filing date (day/month/year)	<b>03/07/1998</b>
Applicant <b>SEALED AIR (NZ) LIMITED</b>		

1.  The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
Fascimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2.  The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3.  With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Further action(s): The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl Fax: (+31-70) 340-3016
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Authorized officer <b>Dagmar Barkemeyer</b>
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## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

**How?** Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

**The amendments must be made in the language in which the international application is to be published.**

#### What documents must/may accompany the amendments?

**Letter (Section 205(b)):**

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

**The letter must be in English or French, at the choice of the applicant. However, if the language of the International application is English, the letter must be in English; if the language of the International application is French, the letter must be in French.**

## **NOTES TO FORM PCT/ISA/220 (continued)**

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

**The following examples illustrate the manner in which amendments must be explained in the accompanying letter:**

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### **"Statement under article 19(1)" (Rule 46.4)**

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### **Consequence if a demand for international preliminary examination has already been filed**

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### **Consequence with regard to translation of the international application for entry into the national phase**

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>14572/3X015</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/NZ 98/ 00094</b>	International filing date (day/month/year) <b>03/07/1998</b>	(Earliest) Priority Date (day/month/year) <b>07/07/1997</b>
Applicant <b>SEALED AIR (NZ) LIMITED</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 03 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1.  Certain claims were found unsearchable (see Box I).
2.  Unity of invention is lacking (see Box II).
3.  The international application contains disclosure of a nucleotide and/or amino acid sequence listing and the international search was carried out on the basis of the sequence listing
  - filed with the international application.
  - furnished by the applicant separately from the international application,
    - but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.
  - Transcribed by this Authority
4. With regard to the title,  the text is approved as submitted by the applicant.  
 the text has been established by this Authority to read as follows:  
**APPARATUS AND METHOD FOR MAKING BAGS OF DIFFERENT DIMENSIONS**

5. With regard to the abstract,  
 the text is approved as submitted by the applicant.  
 the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is:  
 Figure No. \_\_\_\_\_
  - as suggested by the applicant.
  - because the applicant failed to suggest a figure.
  - because this figure better characterizes the invention.

None of the figures.

International application No.  
PCT/NZ 98/00094

## INTERNATIONAL SEARCH REPORT

### Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: 13, 14 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
Rule 6.2(a)
  
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

**II INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/NZ 98/00094

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 2036004	A 27-01-1972	NONE	
DE 9311290	U 23-09-1993	NONE	

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/NZ 98/00094

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 2036004 A	27-01-1972	NONE	
DE 9311290 U	23-09-1993	NONE	

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  WILSON, Kathryn, S. WILSON, ALLEN, WELLS, SIMS, LEWIS & GRAVIT 29 Clarence Street P.O. Box 759 Hamilton 2001 NOUVELLE-ZELANDE
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## NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year)	1 10. 99	
Applicant's or agent's file reference 14572/3X015	<b>IMPORTANT NOTIFICATION</b>	
International application No. PCT/NZ98/00094	International filing date (day/month/year) 03/07/1998	Priority date (day/month/year) 07/07/1997
Applicant SEALED AIR (NZ) LIMITED		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/  European Patent Office D-80298 Munich	Authorized officer  Looper, S
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>14572/3X015</b>	<b>FOR FURTHER ACTION</b> <small>See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)</small>	
International application No. <b>PCT/NZ98/00094</b>	International filing date (day/month/year) <b>03/07/1998</b>	Priority date (day/month/year) <b>07/07/1997</b>
International Patent Classification (IPC) or national classification and IPC <b>B65B59/00</b>		
<p><b>Applicant</b>  <b>SEALED AIR (NZ) LIMITED</b></p>		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I    <input checked="" type="checkbox"/> Basis of the report</li> <li>II    <input type="checkbox"/> Priority</li> <li>III    <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV    <input type="checkbox"/> Lack of unity of invention</li> <li>V    <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI    <input type="checkbox"/> Certain documents cited</li> <li>VII    <input type="checkbox"/> Certain defects in the international application</li> <li>VIII    <input type="checkbox"/> Certain observations on the international application</li> </ul>		

Date of submission of the demand <b>02/02/1999</b>	Date of completion of this report <b>11.10.99</b>
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich	Authorized officer <b>J. Lerviklund N</b>



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/NZ98/00094

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-12                   as originally filed

**Claims, No.:**

1-13                   with telefax of                   24/09/1999

**Drawings, sheets:**

1/4-4/4               as originally filed

2. The amendments have resulted in the cancellation of:

- the description,           pages:
- the claims,               Nos.:
- the drawings,           sheets:

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application.
- claims Nos. 12,13.

because:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/NZ98/00094

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 12,13 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims 1-11
	No:	Claims
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-11
Industrial applicability (IA)	Yes:	Claims 1-11
	No:	Claims

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NZ98/00094

**Part III:**

1. It is not possible to determine the scope of protection sought by claims 12 and 13,  
- Art. 6(2)(a) PCT.

**Part V:**

1. Reference is made to the following documents:

D1: DE-A-20 36 004 (DLW) 27 January 1972  
D2: US-A-4 505 092 (HOBART CORP) 19 MAR. 1985  
D3: DE-U-93 11 290 (LEIBFREID) 23 September 1993

2. The present application does not satisfy the criterion set forth in Article 33(3) PCT because the subject-matter of Claim 1 does not involve an inventive step (Rule 65(1)(2) PCT).

- 2.1 Document D1, which is considered to represent the most relevant state of the art, discloses an apparatus according to the preamble of claim 1.  
Thus, the subject matter of claim 1 only differs from the disclosure of D1 in that, "the apparatus includes a sealing mechanism for creating a seal in the tubular flat film".

It is, however, considered a matter of normal design procedure to provide such an apparatus with means for sealing the ends of such a package, see for example D3, Fig. 3, reference sign 56. The skilled person would regard its inclusion in the apparatus described in document D1 as a normal design possibility in order to solve the problem posed.

Thus, Claim 1 does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

- 2.2 Dependent Claims 2 to 10 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the following reasons:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NZ98/00094

The features of dependent claims 2 to 10 are either known from the available prior art (see D1 for claim 3) or they are considered as being within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.

3. The subject matter of independent claim 11 also does not include an inventive step, - Article 33(3) PCT.
  - 3.1 Document D2, which is considered to represent the most relevant state of the art, discloses (cf. in particular column 19, and Fig. 1 and 10) a method for providing packaging for product of various sizes using apparatus having a first and second film source 320,322 having film of a defined width wherein the width of the film of the first film source 320 is different from the width of the film of the second film source 322, said method comprising the steps of:
    - a) determining the size of the product to be packaged,
    - b) using a means for selecting a film source to determine from which dispenser film is to be dispensed in accordance with the product size,
    - c) using a means for selecting a film length to determine the length of the film to be dispensed in accordance with the product size,
    - d) dispensing film of the required width and length,
    - f) cutting the film to produce a bag of the desired length, and
    - e) sealing the film.

Thus, the subject matter of independent claim 11 only differs from the disclosure of D2 in that in D2 the method step f) is performed before the method step e).

- 3.2 For the person skilled in the art, the question whether the cutting should be performed before, after or parallel to the sealing, appears to be merely a choice from equal possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill in order to solve the problem posed. In support of this, reference is made to D3, from which it is known to perform the sealing and cutting of the film simultaneously.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/NZ98/00094

Thus, also independent claim 11 lacks an inventive step and does, therefore, not satisfy the criterion set forth in Article 33(3) PCT.

## CLAIMS

- ✓ 1. An apparatus for providing packaging for products of varying sizes including
- a) a first and second film source each film source (A & B), each film source having film of a defined width, wherein the width of the first film source (A) is different from the width of the film of the second film source(B); and
  - b) the means (3) for selecting a film source based on the size of the product to be packaged, wherin

the film of the first film source (A), and the film of the second film source (B) are each in the form of a tubular lay flat film (21).

The apparatus characterised in that

the apparatus includes a sealing mechanism (24) for creating a seal in the tubular lay flat film (21).

- ✓ 2. The apparatus as claimed in claim 1 which includes a means for selecting a film length (3).
- ✓ 3. The apparatus as claimed in either claim 1 or claim 2 which includes a means (24) for cutting the tubular lay flat film (21).
- ✓ 4. The apparatus as claimed in any one of claims 1 to 3 which includes means for inputting which enables a user of the apparatus to use the means for selecting the film source (3 and 4).
- ✓ 5. The apparatus as claimed in any one of claim 2 to 4 which includes means for inputting which enables a user of the apparatus to use the means for selecting a film length (3).

- ✓ 6. The apparatus as claimed in any one of claims 1 to 5 which includes a means for remotely sensing to determine product size, and a means to control the means (3 and 4) for selecting a film source.
- ✓ 7. The apparatus as claimed in any one of claims 2 to 6 which includes a means for remotely sensing to determine product size, and a means to control the means (3) for selecting a film length.
- ✓ 8. The apparatus as claimed in any one of claims 1 to 7 which includes a printer for printing onto the tubular lay flat film (21).
- ✓ 9. The apparatus as claimed in claim 8 which includes a printer shuttle which enables the printer to move to the required film(21).
- 10. The apparatus as claimed in any one of claims 1 to 9 wherein the film is heat-shrinkable.
- 11. A method for providing packaging for product of various sizes using apparatus having a first and second film source (A and B) having film of a defined width, wherein the width of the film of the first film source (A) is different from the width of the film of the second film source (B), characterised by the steps of:
  - a) determining the size of the product to be packaged,
  - b) using a means (3 and 4) for selecting a film source to determine from which dispenser film (21) is to be dispensed in accordance with the product size,
  - c) using a means for selecting a film (3) length to determine the length of the film to be dispensed in accordance with the product size,
  - d) dispensing film of the required width and length (3 and 4),
  - e) sealing the film (24); and
  - f) cutting the film (24) to produce a bag of the desired length.
- 12. The apparatus substantially as herein described with reference to and as illustrated by the accompanying drawings.

13. A method of providing packaging substantially as herein described with reference to and as illustrated by the accompanying drawings.

## PATENT COOPERATION TREATY

REC'D 13 OCT 1999

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

US

Applicant's or agent's file reference 14572/3X015	<b>FOR FURTHER ACTION</b>		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/NZ98/00094	International filing date (day/month/year) 03/07/1998	Priority date (day/month/year) 07/07/1997	
International Patent Classification (IPC) or national classification and IPC B65B59/00			
Applicant SEALED AIR (NZ) LIMITED			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I    <input checked="" type="checkbox"/> Basis of the report</li> <li>II   <input type="checkbox"/> Priority</li> <li>III   <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV   <input type="checkbox"/> Lack of unity of invention</li> <li>V   <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI   <input type="checkbox"/> Certain documents cited</li> <li>VII   <input type="checkbox"/> Certain defects in the international application</li> <li>VIII   <input type="checkbox"/> Certain observations on the international application</li> </ul>			

Date of submission of the demand 02/02/1999	Date of completion of this report 1 1. 10. 99
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Jervelund, N  Telephone No. +49 89 2399 2649



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/NZ98/00094

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-12 as originally filed

**Claims, No.:**

1-13 with telefax of 24/09/1999

**Drawings, sheets:**

1/4-4/4 as originally filed

2. The amendments have resulted in the cancellation of:

- the description,      pages:  
 the claims,      Nos.:  
 the drawings,      sheets:

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application.  
 claims Nos. 12,13.

because:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/NZ98/00094

the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 12,13 are so unclear that no meaningful opinion could be formed (*specify*):

**see separate sheet**

the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for the said claims Nos. .

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)                  Yes: Claims 1-11  
                                No: Claims

Inventive step (IS)           Yes: Claims  
                                No: Claims 1-11

Industrial applicability (IA)   Yes: Claims 1-11  
                                No: Claims

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NZ98/00094

**Part III:**

1. It is not possible to determine the scope of protection sought by claims 12 and 13,  
- Art. 6(2)(a) PCT.

**Part V:**

1. Reference is made to the following documents:

D1: DE-A-20 36 004 (DLW) 27 January 1972

D2: US-A-4 505 092 (HOBART CORP) 19 MAR. 1985

D3: DE-U-93 11 290 (LEIBFREID) 23 September 1993

2. The present application does not satisfy the criterion set forth in Article 33(3) PCT because the subject-matter of Claim 1 does not involve an inventive step (Rule 65(1)(2) PCT).

- 2.1 Document D1, which is considered to represent the most relevant state of the art, discloses an apparatus according to the preamble of claim 1.

Thus, the subject matter of claim 1 only differs from the disclosure of D1 in that, "the apparatus includes a sealing mechanism for creating a seal in the tubular flat film".

It is, however, considered a matter of normal design procedure to provide such an apparatus with means for sealing the ends of such a package, see for example D3, Fig. 3, reference sign 56. The skilled person would regard its inclusion in the apparatus described in document D1 as a normal design possibility in order to solve the problem posed.

Thus, Claim 1 does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT.

- 2.2 Dependent Claims 2 to 10 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the following reasons:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NZ98/00094

The features of dependent claims 2 to 10 are either known from the available prior art (see D1 for claim 3) or they are considered as being within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can be readily contemplated in advance.

3. The subject matter of independent claim 11 also does not include an inventive step, - Article 33(3) PCT.
  - 3.1 Document D2, which is considered to represent the most relevant state of the art, discloses (cf. in particular column 19, and Fig. 1 and 10) a method for providing packaging for product of various sizes using apparatus having a first and second film source 320,322 having film of a defined width wherein the width of the film of the first film source 320 is different from the width of the film of the second film source 322, said method comprising the steps of:
    - a) determining the size of the product to be packaged,
    - b) using a means for selecting a film source to determine from which dispenser film is to be dispensed in accordance with the product size,
    - c) using a means for selecting a film length to determine the length of the film to be dispensed in accordance with the product size,
    - d) dispensing film of the required width and length,
    - f) cutting the film to produce a bag of the desired length, and
    - e) sealing the film.Thus, the subject matter of independent claim 11 only differs from the disclosure of D2 in that in D2 the method step f) is performed before the method step e).
  - 3.2 For the person skilled in the art, the question whether the cutting should be performed before, after or parallel to the sealing, appears to be merely a choice from equal possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill in order to solve the problem posed. In support of this, reference is made to D3, from which it is known to perform the sealing and cutting of the film simultaneously.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/NZ98/00094

Thus, also independent claim 11 lacks an inventive step and does, therefore, not satisfy the criterion set forth in Article 33(3) PCT.

1 / 4

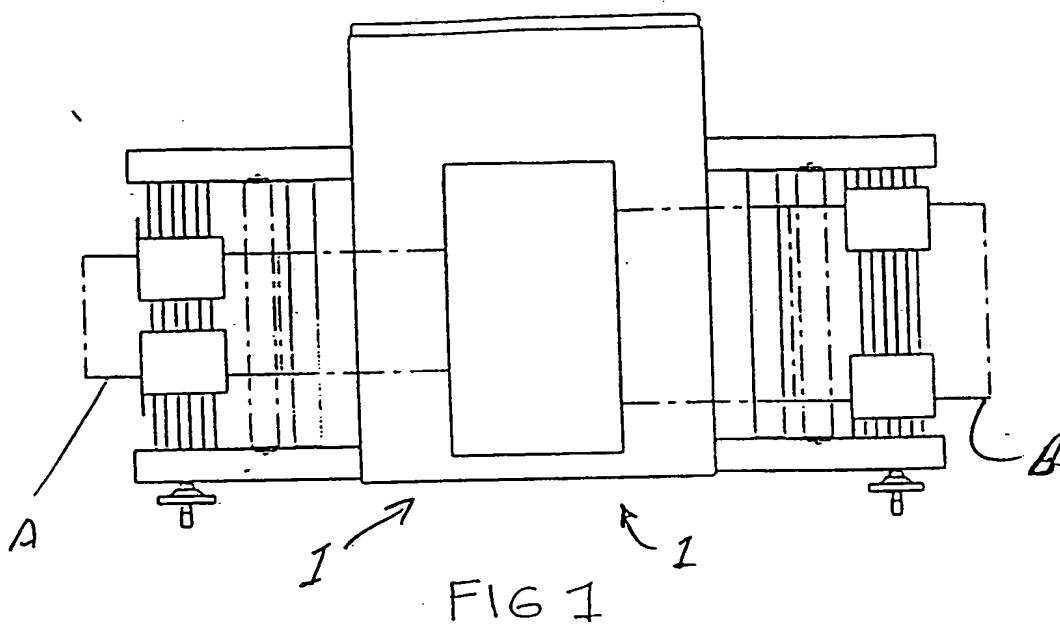


FIG 1

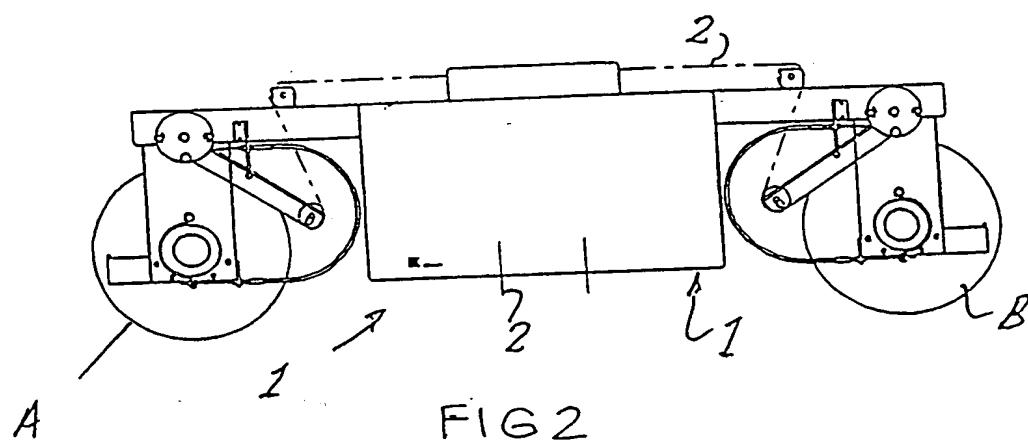


FIG 2

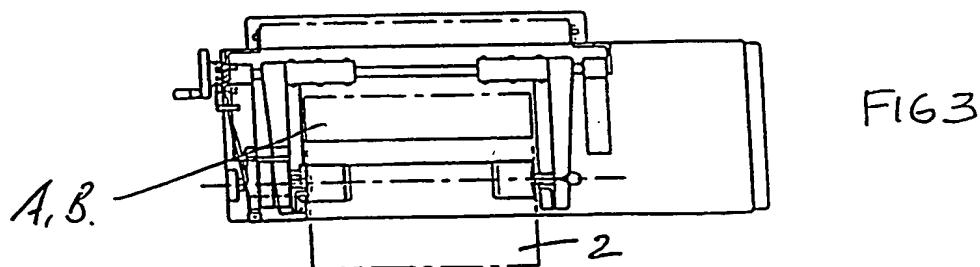


FIG 3

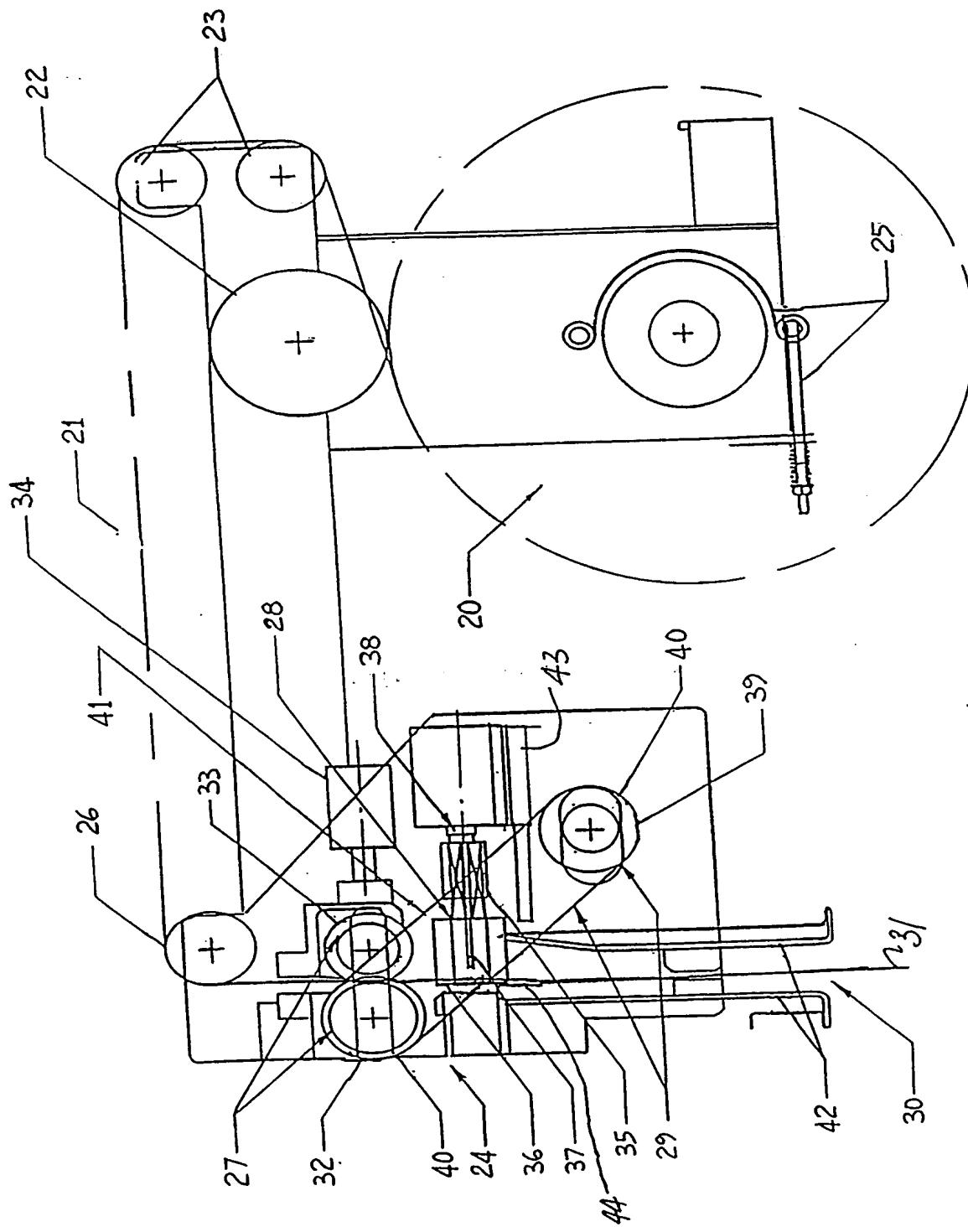


FIG. 4

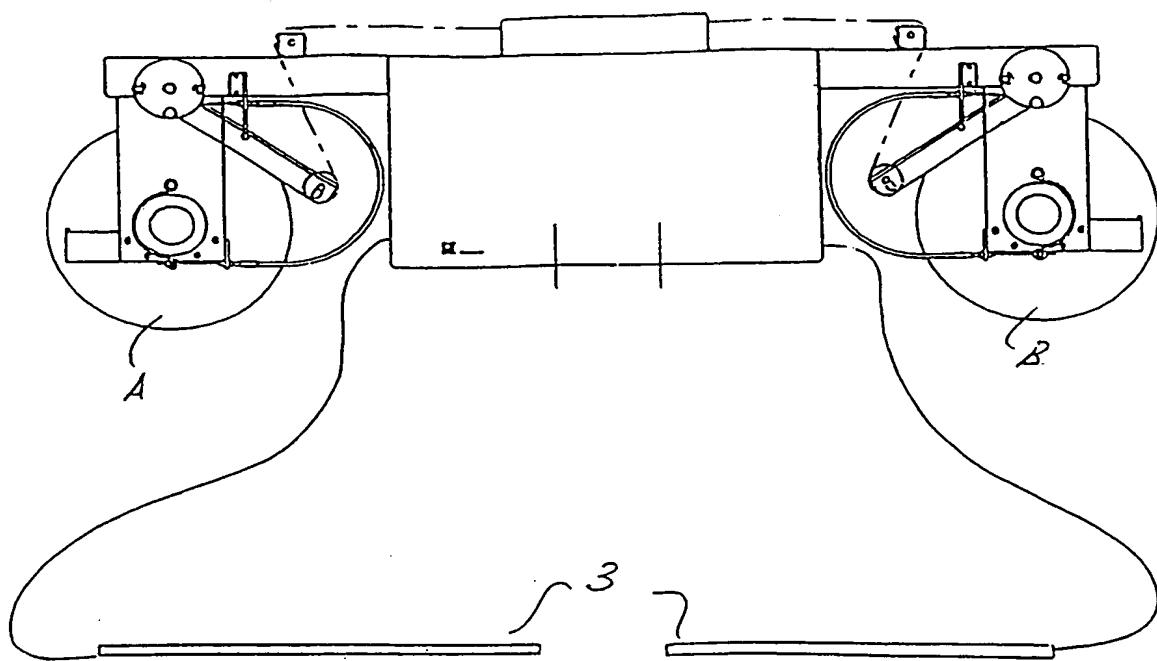


FIG. 16.5

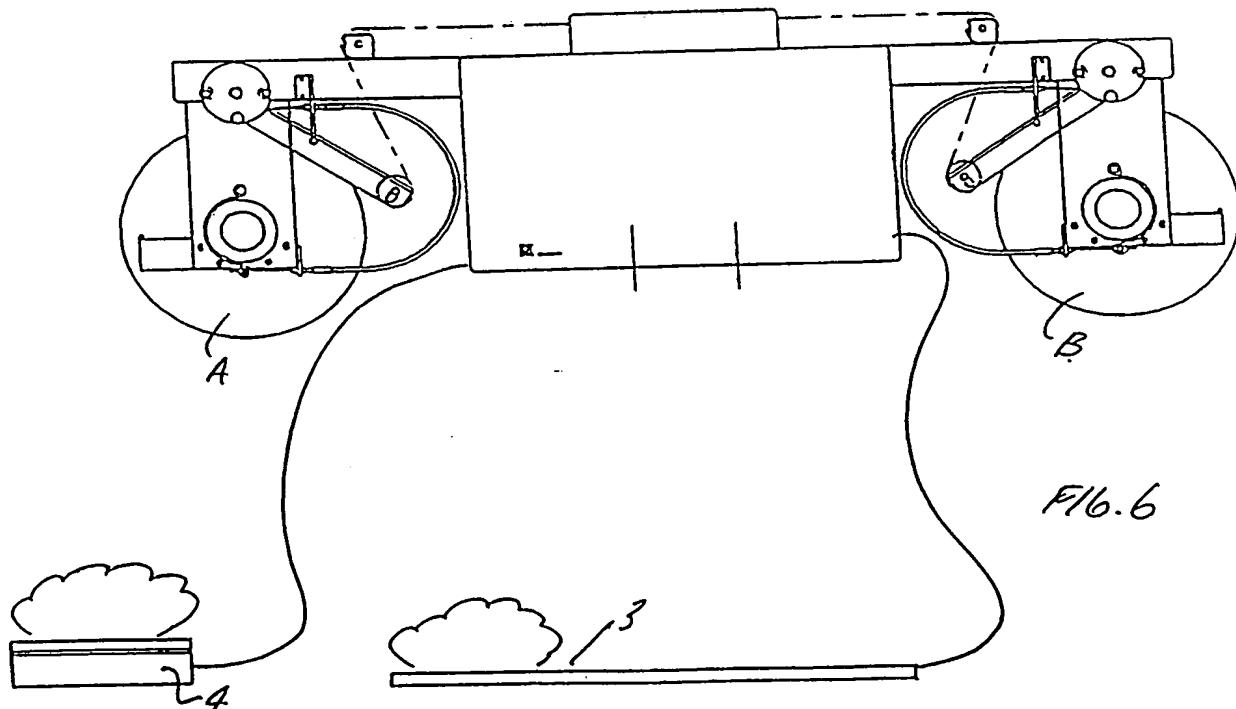
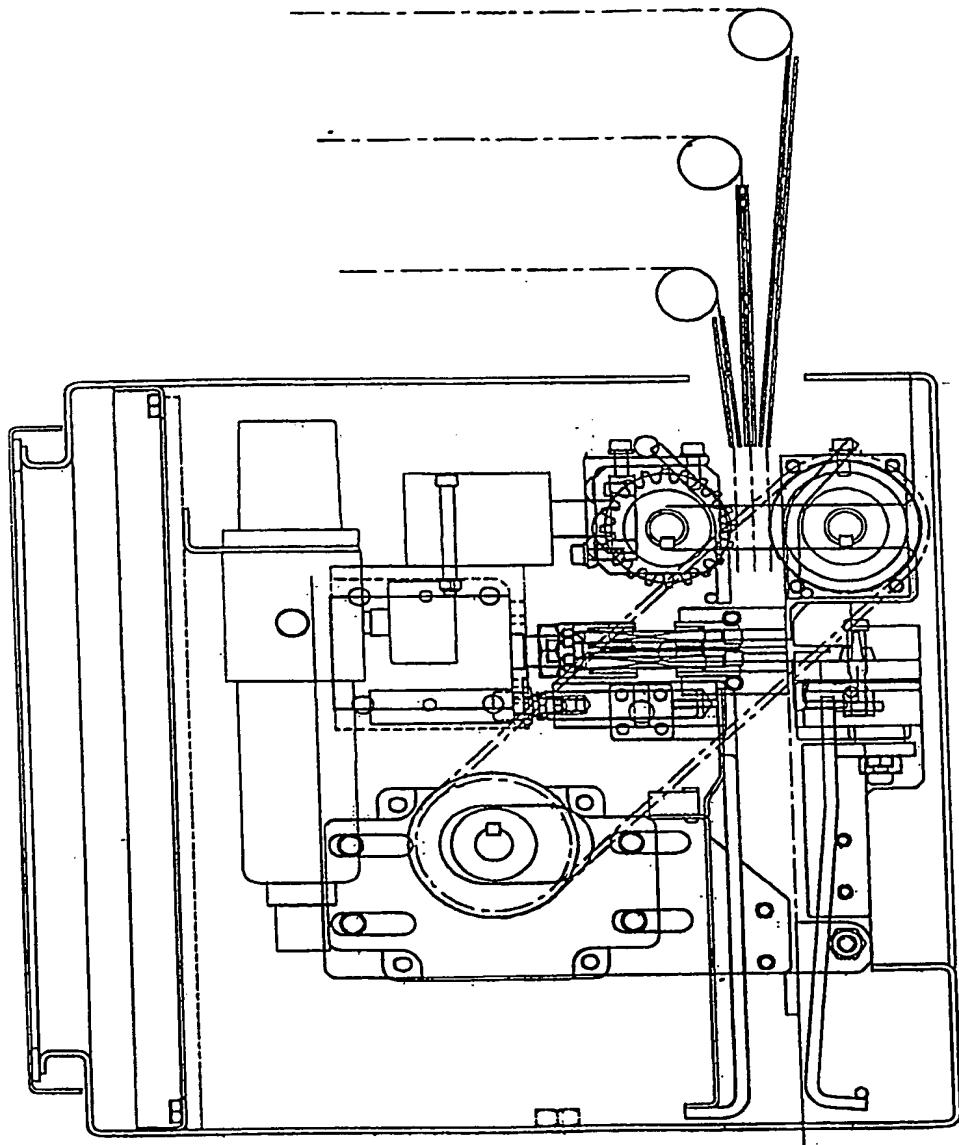


FIG. 16.6

FIGURE 7



09/445640 - 00094

**PATENT COOPERATION TREATY**  
**PCT**

**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>14572/3X015</b>	<b>FOR FURTHER</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. <b>ACTION</b>	
International application No. <b>PCT/NZ 98/ 00094</b>	International filing date (day/month/year) <b>03/07/1998</b>	(Earliest) Priority Date (day/month/year) <b>07/07/1997</b>
Applicant <b>SEALED AIR (NZ) LIMITED</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of **03** sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1.  Certain claims were found unsearchable (see Box I).
2.  Unity of invention is lacking (see Box II).
3.  The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing
  - filed with the international application.
  - furnished by the applicant separately from the international application,
    - but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.
  - Transcribed by this Authority
4. With regard to the title,  the text is approved as submitted by the applicant.  
 the text has been established by this Authority to read as follows:  
**APPARATUS AND METHOD FOR MAKING BAGS OF DIFFERENT DIMENSIONS**

5. With regard to the abstract,  
 the text is approved as submitted by the applicant.  
 the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.
6. The figure of the drawings to be published with the abstract is:  
 Figure No. \_\_\_\_\_
  - as suggested by the applicant.
  - because the applicant failed to suggest a figure.
  - because this figure better characterizes the invention.

None of the figures.

## INTERNATIONAL SEARCH REPORT

### B x I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: 13, 14 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
**Rule 6.2(a)**
  
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### B x II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

- The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/NZ 98/00094

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 6 B65B59/00

According to International Patent Classification(IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 B65B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 20 36 004 A (DLW) 27 January 1972 see page 3, line 22 - page 4, paragraph 3 see page 5, line 4 - page 6, line 3 see page 7, paragraph 3; figures 1-3 -----	1,12
A	DE 93 11 290 U (LEIBFREID) 23 September 1993 see claim 1; figure 1 -----	12
A	DE 93 11 290 U (LEIBFREID) 23 September 1993 see claim 1; figure 1 -----	1,12

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search  24 November 1998	Date of mailing of the international search report  14.12.98
Name and mailing address of the ISA  European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer  Claeys, H

**INTERNATIONAL SEARCH REPORT**

Information about patent family members

International Application No

PCT/NZ 98/00094

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 2036004 A	27-01-1972	NONE	
DE 9311290 U	23-09-1993	NONE	

## INTERNATIONAL SEARCH REPORT

national application No

PCT/NZ 98/00094

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 6 B65B59/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 B65B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
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- "A" document defining the general state of the art which is not considered to be of particular relevance
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- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

24 November 1998

14.12.98

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
 NL - 2280 HV Rijswijk  
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
 Fax: (+31-70) 340-3016

Authorized officer

Claeys, H

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/NZ 98/00094

### Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: 13, 14 because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
**Rule 6.2(a)**
  
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

### Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

#### Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

I. National Application No

PCT/NZ 98/00094

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 2036004 A	27-01-1972	NONE	
DE 9311290 U	23-09-1993	NONE	